



Patent

Attorney's Docket No. 016800-448

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Dominique BERNARD et al. ) Group Art Unit: 1651  
Application No.: 09/884,953 ) Examiner: John P. Weber  
Filed: June 21, 2001 ) Confirmation No.: 3212  
For: ISOLATED CATHEPSIN L TYPE )  
CYSTEINE PROTEASES AND )  
REDUCING INTERCORNEOCYTE )  
COHENSION/PROMOTING )  
DESQUAMATION THEREWITH )

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AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

☒ A Petition for Extension of Time is also enclosed.

☐ A Terminal Disclaimer and a check for ☐ \$55.00 (2814) ☐ \$110.00 (1814) to cover the requisite Government fee are also enclosed.

☐ Also enclosed is \_\_\_\_\_

☐ Small entity status is hereby claimed.

☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$370.00 (2801) ☐ \$740.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) previously submitted \_\_\_, on \_\_\_, for which continued examination is requested.

☐ Applicant(s) request suspension of action by the Office until at least \_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					0

☐ A claim fee in the amount of \$\_\_\_\_\_ is enclosed.

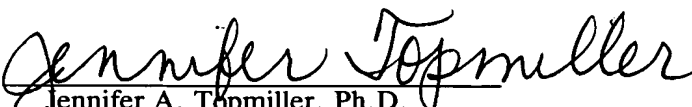
☐ Charge \$\_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

  
Jennifer A. Topmiller, Ph.D.  
Registration No. 50,435

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Date: November 4, 2002

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11-20-02



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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 26, 2002 in the above referenced application requiring restriction between the claims, Applicants hereby elect, albeit with traverse, the claims of Group I, Claims 10-11, 13-19 and 25-31.

According to M.P.E.P. § 803, a restriction requirement between patentably distinct inventions is proper only when there is a serious burden on the examiner to examine all the claims in a single application; this is true even when appropriate reasons exist for restriction requirement. Applicants respectfully submit that the searches required to completely examine the claims would substantially overlap and therefore would be substantially coextensive. In particular, Applicants draw attention to the fact the claimed invention of Group I, drawn to a cathepsin L-type cysteine protease or a cosmetic/pharmaceutical composition thereof, is utilized in the method of treatment claims

of Group II. Therefore, the search necessary to examine the claims of Group I would obviously encompass much of that needed to examine the additional claims in Group II. Applicants respectfully submit that it would not be an undue burden upon the Examiner to examine both groups of claims at the present time. Therefore, withdrawal of the restriction requirement and further and favorable consideration of all the claims of record on the merits is respectfully requested.

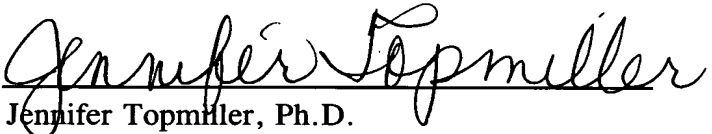
Also, Applicants respectfully submit that the disposition of the Claims listed in the Office Action Summary is incorrect. The Office Action Summary lists Claims 1-31 as pending in the application. However, Claims 1-9 and 12 were canceled in a Preliminary Amendment filed June 21, 2001. Claims 10, 13, 20-25, and 27 were also amended in this Preliminary Amendment. It appears that this Preliminary Amendment was received as the Restriction/Election requirement only discusses Claims 10, 11, and 13-31. However, acknowledgment of the Preliminary Amendment filed June 21, 2001, and correction of the statement of the pending claims in the next Official Communication are respectfully requested.

From the foregoing, further and favorable consideration on the subject application on the merits is respectfully requested and such action is earnestly solicited.

In the event that there are any questions concerning this Reply or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Jennifer Topmiller, Ph.D.  
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